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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/660,971 | 09/12/2003 | Frederick W. Dour | M&R 3.0-045 | 6310 |
| 530 | 7590 | 05/04/2004 | EXAMINER | |
| LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090 | | | EVANS HENCE, ANDREA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/660,971 | DOUR, FREDERICK W. |
| | Examiner Andrea H. Evans | Art Unit 2854 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Allowable Subject Matter

1. Claims 3-5, 12, and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Referring to claims 3 and 15, the prior art does not teach a first rib and second rib wherein the first rib comprises a first length and a second rib comprises a second length, said first length being greater than said second length. Claims 4,5, and 12 depend from claim 3 and claim 16 depends from claim 15.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Perets (5623875).

Referring to claim 21 and 22, Perets teaches a hand stamp comprising: a frame (14) including at least one groove (56) extending longitudinally thereon; a case (12) mounted on the frame, said case including at least one rib (28) longitudinally arranged thereon, said first rib being integral with said frame and flaring outwardly (See Figure 1; (28) extends outward from the arm (24)) therefrom; said first groove being sized and shaped to facilitate relative

longitudinal movement and secure mounting of said case on said frame (See Figure 3); a platen (16a) arranged for movement with said case (12) along said frame (14); and a marking structure (16b) arranged on said platen (16a) and being movable therewith between rest position and printing position.(See Column 3, lines 6-14).

Referring to claim 23, Perets teaches a stamp wherein the case (12) further comprises a second rib (28 on right) longitudinally arranged thereon, said second rib being integral with said case and flaring outwardly therefrom (See Figure 1, 28 extends out from arm (24)), said frame (14) further comprising a second groove (56 on right) longitudinally arranged thereon, said second rib and second groove being sized and shaped to facilitate slidable longitudinally movement and secure mounting of said case on the frame (See Figure 3).

Referring to claim 24, Perets teaches the stamp wherein said ribs (28) comprise opposing sides, at least one of said opposing sides of each of said ribs flaring outwardly from said case (See Figure 1; (28) extends outward from the arm (24)).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,6-11,13, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perets (5623875) in view of Shih (6302022).

Referring to claim 1, Perets teaches a hand stamp comprising: a case (12) including first rib (28) longitudinally arranged thereon, said first rib being integral with said frame and flaring outwardly (See Figure 1; (28) extends outward from the frame arm (24)) therefrom; a frame (14) slidably mounted on said frame (14), said case including a first groove (56), said first rib and said first groove being sized and shaped to facilitate relative longitudinal movement and secure mounting of said case on said frame (See Figure 3); a platen (16a) arranged for movement with said case (12) along said frame (14); and a marking structure (16b) arranged on said platen (16a) and being movable therewith between rest position and printing position.(See Column 3, lines 6-14).

Perets does not teach a frame including first and second ribs and a case including first and second grooves. Shih teaches a hand stamp comprising: a (50) frame including opposing sides, a bottom end adapted be placed adjacent to surface to be imprinted and a top end remote from said bottom end, and length defined by the distance between said top and bottom ends, a pair of first ribs (58 on left and right side), one of said first ribs arranged on one of said opposing sides and the other of said first ribs (58 on right side) arranged on the other of said opposing sides, each of said pair of opposing ribs flaring outwardly from said frame (See Figure 2); a case (30) slidably mounted on said frame, said case including a pair of first grooves (32 on left side), said pair of first ribs being arranged within respective ones of said pair of first grooves, said pair of first ribs and said pair of first grooves being sized and shaped to facilitate slidable longitudinal movement and secure mounting of said case on said frame(See Column 3, lines 39-42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connection of the frame and case as the connection in Shih to provide an equivalent way to

connect the frame and case such that the ribs are on the frame and the grooves are on the case as taught by Shih.

Referring to claim 2, Perets teaches a case (12) further comprising second rib (28 on right side) longitudinally arranged thereon, said second rib being integral with said frame and flaring outwardly therefrom (See Figure 1), said frame (14) further comprising second groove (56 on right side) said second rib being arranged within said second groove, said second rib and said second groove being sized and shaped to facilitate slidable longitudinal movement and secure mounting of said case on said frame.

Perets does not teach a frame including first and second ribs and a case including first and second grooves. Shih teaches the hand stamp, wherein said frame (50) further comprises second rib (58 on right side) longitudinally arranged thereon, said second rib being integral with said frame and flaring outwardly therefrom (See Figure 2), said case (30) further comprising second groove (32 on right side) said second rib being arranged within said second groove, said second rib and said second groove being sized and shaped to facilitate slidable longitudinal movement and secure mounting of said case on said frame. (See Column 3, lines 39-42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connection of the frame and case as the connection in Shih to provide an equivalent way to connect the frame and case such that the ribs are on the frame and the grooves are on the case as taught by Shih.

Referring to claim 6, Perets teaches the hand stamp wherein said first rib (28) is molded to a case (12). Shih teaches the rib located on the frame (Figure 2). It would have been obvious

to one having ordinary skill in the art at the time the invention was made to modify the connection of Perets such that the frame contains the rib to provide an alternative connection of the frame and case as taught by Shih.

Referring to claim 7, Perets teaches the hand stamp, wherein said first rib (28) comprises opposing sides (left and right side of (28), at least one of said opposing sides (See right side of left (28)) flaring outwardly from said case. Shih teaches the rib located on the frame (Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connection of Perets such that the frame contains the rib to provide an alternative connection of the frame and case as taught by Shih.

Referring to claim 11, Shih teaches the hand stamp further comprising a locking mechanism (54) operative to selectively lock said case in a desire position relative to said frame. (See Figure 1).

Referring to claim 13, Perets teaches a hand stamp comprising: a case (12) including opposing sides, a bottom end adapted be placed adjacent to surface to be imprinted and a top end remote from said bottom end, and length defined by the distance between said top and bottom ends, a pair of first ribs (28 on left and right side), one of said first ribs arranged on one of said opposing sides and the other of said first ribs (28 on right side) arranged on the other of said opposing sides, each of said pair of opposing ribs flaring outwardly from said frame (See Figure 1, (28 extends outward from the case arm (24)); a frame (14) slidably mounted on said frame, said case including a pair of first grooves (56 on left side), said pair of first ribs being arranged within respective ones of said pair of first grooves, said pair of first ribs and said pair of first grooves being sized and shaped to facilitate slidable longitudinal movement and secure mounting

of said case on said case (See Figure 3) ; a platen (16a) arranged for movement with said case along said frame; and a marking structure (16b) arranged on said platen (16a) and being movable therewith between a rest position and a printing position (See Column 3, lines 6-14).

Perets does not teach a frame including first and second ribs and a case including first and second grooves. Shih teaches a frame (50) including first and second ribs (58) and a case (30) including first and second grooves (32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connection of the frame and case as the connection in Shih to provide an equivalent way to connect the frame and case such that the ribs are on the frame and the grooves are on the case as taught by Shih.

Referring to claim 9, 18, Perets teaches the hand stamp wherein said marking structure comprises rubber marking structure. (See Column 1, lines 5-10).

Referring to claim 10, 19, Perets teaches the hand stamp, further comprising an ink pad (18) arranged within said case (12), said marking structure (16b) being movable between said rest position where is in contact with said ink pad and said printing position where is remote from said ink pad and in contact with a surface to be imprinted. (See Column 3, lines 6-14; See Figure 3).

Referring to claims 8 and 17, Perets teaches the hand stamp, wherein said case (12) comprises a generally cylindrical configuration. (See Figure 1)

6. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perets (6302022).

Referring to claim 14, Perets teaches one set of first and second ribs (28) and one set of first and second grooves (56) arranged on opposing sides. Shih does not teach the hand stamp

wherein said frame comprises opposing sides and **two sets** first and second ribs, the first set of said first and second ribs being arranged on one of said opposing sides, and the second set of said first and second ribs being arranged on the other of said opposing sides; and said case also comprising opposing sides and **two sets** first and second grooves wherein said first said of said first and second grooves is arranged on one of said opposing sides, and the second set of said first and second grooves arranged on the other of said opposing sides, each set of said first and second ribs being arranged within corresponding one said sets of said first and second grooves. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Perets such that another set of ribs and grooves are duplicated since the duplication of parts has no patentable significance. See MPEP 2144.04(b).

In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a “web” which lies ** in the joint, and a plurality of “ribs” ** >projecting outwardly from each side of the web into one of the adjacent concrete slabs. <The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.)

Referring to claim 20, Perets teaches the opposing pairs of first and second ribs (28) extend longitudinally along substantially the entire length of the frame (10) on opposing sides (See Figure 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans

AHE



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800